

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
THOR EQUITIES, LLC,

Plaintiff,

-against-

FACTORY MUTUAL INSURANCE  
COMPANY,

Defendant.

ANALISA TORRES, District Judge:

The Court has reviewed the parties' pre-motion letters regarding their anticipated cross-motions for summary judgment. ECF Nos. 109, 111, 115, 116. The requests are DENIED without prejudice to renewal within ten days of Judge Gorenstein's resolution of the parties' contemplated motions to exclude expert testimony, *see* ECF Nos. 113, 114.

In addition, Defendant's request to file its pre-motion letter under seal, ECF No. 110, is DENIED. Defendant's sole basis for sealing is that certain information in the letter is subject to the parties' stipulated confidentiality agreement and protective order. But, "bargained-for confidentiality does not overcome the presumption of access to judicial documents." *Bernstein v. O'Reilly*, 307 F. Supp. 3d 161, 168 (S.D.N.Y. 2018). Without specific justifications as to why the presumption of public access to the parties' filings is outweighed by any competing considerations, *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006), the Court shall not permit blanket sealing of documents solely based on the parties' agreement. By **May, 9, 2022**, Defendant shall file a letter in accordance with Rule IV.A.ii of the Court's Individual Practices in Civil Cases, explaining the basis for such sealing, or the Clerk of Court shall be directed to unseal the document at ECF No. 111.

The Clerk of Court is directed to terminate the motion at ECF No. 110.

SO ORDERED.

Dated: May 4, 2022  
New York, New York

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DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 5/4/2022

20 Civ. 3380 (AT)

**ORDER**



ANALISA TORRES  
United States District Judge

